

## Environmental Protection Agency

## § 270.60

five years after the date of permit issuance or reissuance and shall be modified as necessary, as provided in § 270.41.

[48 FR 14228, Apr. 1, 1983, as amended at 50 FR 28752, July 15, 1985]

### § 270.51 Continuation of expiring permits.

(a) *EPA permits.* When EPA is the permit-issuing authority, the conditions of an expired permit continue in force under 5 U.S.C. 558(c) until the effective date of a new permit (see § 124.15) if:

(1) The permittee has submitted a timely application under § 270.14 and the applicable sections in §§ 270.15 through 270.29 which is a complete (under § 270.10(c)) application for a new permit; and

(2) The Regional Administrator through no fault of the permittee, does not issue a new permit with an effective date under § 124.15 on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(b) *Effect.* Permits continued under this section remain fully effective and enforceable.

(c) *Enforcement.* When the permittee is not in compliance with the conditions of the expiring or expired permit, the Regional Administrator may choose to do any or all of the following:

(1) Initiate enforcement action based upon the permit which has been continued;

(2) Issue a notice of intent to deny the new permit under § 124.6. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(3) Issue a new permit under part 124 with appropriate conditions; or

(4) Take other actions authorized by these regulations.

(d) *State continuation.* In a State with an hazardous waste program authorized under 40 CFR part 271, if a permittee has submitted a timely and complete application under applicable State law and regulations, the terms and conditions of an EPA-issued RCRA permit continue in force beyond the expiration date of the permit, but only

until the effective date of the State's issuance or denial of a State RCRA permit.

(Clean Water Act (33 U.S.C. 1251 et seq.), Safe Drinking Water Act (42 U.S.C. 300f et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.))

[48 FR 14228, Apr. 1, 1983, as amended at 48 FR 39622, Sept. 1, 1983]

## Subpart F—Special Forms of Permits

### § 270.60 Permits by rule.

Notwithstanding any other provision of this part or part 124, the following shall be deemed to have a RCRA permit if the conditions listed are met:

(a) *Ocean disposal barges or vessels.* The owner or operator of a barge or other vessel which accepts hazardous waste for ocean disposal, if the owner or operator:

(1) Has a permit for ocean dumping issued under 40 CFR part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. 1420 et seq.);

(2) Complies with the conditions of that permit; and

(3) Complies with the following hazardous waste regulations:

(i) 40 CFR 264.11, Identification number;

(ii) 40 CFR 264.71, Use of manifest system;

(iii) 40 CFR 264.72, Manifest discrepancies;

(iv) 40 CFR 264.73(a) and (b)(1), Operating record;

(v) 40 CFR 264.75, Biennial report; and

(vi) 40 CFR 264.76, Unmanifested waste report.

(b) *Injection wells.* The owner or operator of an injection well disposing of hazardous waste, if the owner or operator:

(1) Has a permit for underground injection issued under part 144 or 145; and

(2) Complies with the conditions of that permit and the requirements of § 144.14 (requirements for wells managing hazardous waste).

(3) For UIC permits issued after November 8, 1984:

(i) Complies with 40 CFR 264.101; and

(ii) Where the UIC well is the only unit at a facility which requires a

## § 270.61

RCRA permit, complies with 40 CFR 270.14(d).

(c) *Publicly owned treatment works.* The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:

- (1) Has an NPDES permit;
- (2) Complies with the conditions of that permit; and
- (3) Complies with the following regulations:
  - (i) 40 CFR 264.11, Identification number;
  - (ii) 40 CFR 264.71, Use of manifest system;
  - (iii) 40 CFR 264.72, Manifest discrepancies;
  - (iv) 40 CFR 264.73(a) and (b)(1), Operating record;
  - (v) 40 CFR 264.75, Biennial report;
  - (vi) 40 CFR 264.76, Unmanifested waste report; and
  - (vii) For NPDES permits issued after November 8, 1984, 40 CFR 264.101.
- (4) If the waste meets all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.

[48 FR 14228, Apr. 1, 1983, as amended at 50 FR 28752, July 15, 1985; 52 FR 45799, Dec. 1, 1987]

## § 270.61 Emergency permits.

(a) Notwithstanding any other provision of this part or part 124, in the event the Director finds an imminent and substantial endangerment to human health or the environment the Director may issue a temporary emergency permit: (1) To a non-permitted facility to allow treatment, storage, or disposal of hazardous waste or (2) to a permitted facility to allow treatment, storage, or disposal of a hazardous waste not covered by an effective permit.

(b) This emergency permit:

- (1) May be oral or written. If oral, it shall be followed in five days by a written emergency permit;
- (2) Shall not exceed 90 days in duration;
- (3) Shall clearly specify the hazardous wastes to be received, and the manner and location of their treatment, storage, or disposal;

## 40 CFR Ch. I (7-1-00 Edition)

(4) May be terminated by the Director at any time without process if he or she determines that termination is appropriate to protect human health and the environment;

(5) Shall be accompanied by a public notice published under § 124.10(b) including:

- (i) Name and address of the office granting the emergency authorization;
- (ii) Name and location of the permitted HWM facility;
- (iii) A brief description of the wastes involved;
- (iv) A brief description of the action authorized and reasons for authorizing it; and
- (v) Duration of the emergency permit; and

(6) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this part and 40 CFR parts 264 and 266.

[48 FR 14228, Apr. 1, 1983, as amended at 48 FR 30114, June 30, 1983; 60 FR 63433, Dec. 11, 1996]

## § 270.62 Hazardous waste incinerator permits.

When an owner or operator demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (*i.e.*, by conducting a comprehensive performance test and submitting a Notification of Compliance), the requirements of this section do not apply. Nevertheless, the Director may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance with §§ 270.10(k) and 270.32(b)(2).

(a) For the purposes of determining operational readiness following completion of physical construction, the Director must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Director